REMARKS

Independent claims 1 and 35 were rejected as obvious based on U.S. patent number 7,206,814 (hereinafter *Kirsch)* in view of U'.S. patent application number 2008/0040439 (hereinafter *Wang)*. *Office Action,* 4. The Examiner further rejects claims 4 and 32 as obvious based on *Kirsch* and *Wang* in view of U'.S. patent application number 2004/0068542 (hereinafter *Lalonde)*. *Office Action,* 10. In addition, claims 6, 11, 20, 21, and 23-27 are rejected as obvious based on *Kirsch* and *Wang* in view of U.S. patent number 7,366,761 (hereinafter *Murray)*. *Office Action,* 11. In addition, claim 29 is rejected as obvious based on *Kirsch* and *Wang* in further view of U. S. patent application number 2005/0076240 (hereinafter *Appleman)*. *Office Action,* 13. The Applicants respectfully traverse.

To support a conclusion that the claim would have been obvious requires that all the claimed elements were known in the prior art and that one skilled in the art could have combined those elements. MPEP 2143.02 (citing *KSR v. Teleflex,* 127 S.Ct. 1727, 1739 (2007)). The Applicants submit that none of the aforementioned references, either individually or in combination, teach or suggest all the limitations of the independent claims, including at least that where 'the score is indicative of spam,' 'classify[ing] the received message according to whether **a common classification** appears across a plurality of IP addresses associated with the domain.'

The independent claim clarifies how classification is performed when a whitelist and a score conflict as to whether an incoming message should be classified as spam. In particular, appearing on a whitelist indicates that the received message is good, while the particular score assigned to the received message is 'indicative of spam.' The analysis therefore proceeds to determining whether there is a **common classification across IP addresses** associated with the domain. Based on such a common classification, the whitelist may override the score thereby resulting in a good classification for the received message. Where there is no common classification, however, the score may override the whitelist. Support is found in the specification, as follows:

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[S]cores for the entire row corresponding to "shoppingdomain.com" may **indicate spam** in most or all cells in the row, indicating that many users have received what they consider to be spam from that domain. If the cell corresponding to an incoming message indicate spam but the user has the domain white listed, the **white list should override** the community classification because **common spam classification** among most of the IP addressed associated with the domain is an indication that the domain is not being spoofed by the current IP address. More likely, the case is that the user has whitelisted a domain that most users consider to be sending spam. That is, most users on the network have classified messages from "shoppingdomain.com" as junk in the past, but this particular user actually wants to receive messages from "shoppingdomain.com."

Specification, 15:14-16:2. As noted, even when the common classification indicates spam (*e.g.*, "common spam classification"), the presence of a common classification results in the whitelist overriding the score. As such, the message is classified as good even though the score (and common classification) indicates spam.

None of the cited references teaches the aforementioned classification of the received message based on whether there is a common classification across IP addresses associated with the domain. *Kirsch*, for example, refers generally to whitelists, but fails to teach any 'common classification across IP addresses associated with the domain,' thereby also failing to teach the whitelist overriding the score (and vice versa) based on the presence or lack of the common classification. *Wang* is similarly silent regarding any common classification, in addition to failing to teach any whitelists at all.

As such, the Applicants submit that the combination of *Kirsch* and *Wang* -- individually or in any combination with *Lalonde, Murray*, and *Appleman* – fail to disclose that where the score of a whitelisted message is indicative of spam, 'classify[ing] the received message according to whether **a common classification** appears across a plurality of IP addresses associated with the domain' such that either the whitelist or the spam score is overridden based on whether is a common classification or no common classification.

Any claim dependent upon one of the aforementioned independent claims—either directly or via an intermediate dependent claim—is allowable for at least the same reasons as the claim from which it depends.

CONCLUSION

Kirsch and *Wang* individually and in combination with *Lalonde, Murray*, and *Appleman* fail to teach each and every claim limitation of the independent claims, including at least where 'the score is indicative of spam' and 'classify[ing] the received message according to whether **a common classification** appears across a plurality of IP addresses associated with the domain.'

Any claim dependent upon the aforementioned independent claims -either directly or via an intermediate dependent claim -is allowable for at least the same reasons as the independent claim from which it depends. As such, each and everyone of the dependent claims of the present application are also in condition for allowance. For at least these reasons, the Examiner's rejection should be withdrawn.

Respectfully submitted,
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